

1999 DRAFTING REQUEST

Bill

Received: **09/13/1999**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Barry**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact: **Dennis Conta**
414-286-3665

Alt. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies: **RAC, JTK**

Pre Topic:

No specific pre topic given

Topic:

Governing structure of the Pabst Theater

Instructions:

See Attached. Change state law to allow transfer of Pabst Theater from the City of Milwaukee to another community-based entity

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 01/12/2000	chanaman 01/12/2000	hhagen 01/12/2000	_____	lrb_docadmin 01/12/2000		Local
/2	shoveme 02/03/2000	chanaman 02/04/2000	martykr 02/07/2000	_____	lrb_docadmin 02/07/2000	lrb_docadmin	Local 02/07/2000

FE Sent For:

<END>

6 0208-00

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12 MES 2/3/00
FE Sent For:

cm#
2/4
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<END>

09/13/1999 10:46:09 AM
Page 1

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/? shoveme

cmh 1/1

kh 1/12

kh 1/12

sf 1/12

11 MES 1/12/99 1/12

FE Sent For:

<END>

Memorandum

To: Marc Shovers – LRB

From: Senator Brian Burke

Date: 08/31/99

Re: Bill Drafting Request: Change governing structure of Pabst Theater

Please draft legislation changing the governing structure of the Captain Frederick Pabst Theater consistent with the wishes of the Board of Trustees [See enclosed letter and resolution].

If you have any questions, you can contact Dennis Conta, the President of the Board of Trustees, at (414) 286-3665.

(414) 276-3337

all ds. 229.47 & 229.26



Senator Brian Burke
Wisconsin State Capitol
316 South
P.O. Box 7882
Madison, WI 53707

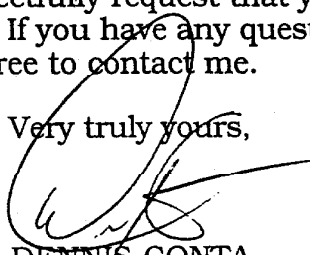
Dear Senator Burke,

The Board of Trustees of the Captain Frederick Pabst Theater adopted the enclosed resolution at the Board's July 20, 1999 meeting. The resolution expresses the Board's support for statutory and City Charter changes which would permit the transfer of the Theater to an entity more representative of the greater Milwaukee community served by the Theater.

Under current law, all real and personal property of the Theater must be "perpetually" held in the name of the City of Milwaukee. Section 229.27(4), Stats., and sec. 12-4-m, Milwaukee City Charter. The Board envisions the statutory and charter changes to be similar to those which were made in order to enable the City and the former Milwaukee Convention Center and Arena Board to transfer the City's real and personal property in the MECCA facilities to the new Wisconsin Center District created under Subchapter II of Chapter 229. The MECCA property had been subject to a similar statutory requirement of perpetual City ownership.

On behalf of the Board, I respectfully request that you give careful consideration to the Board's action. If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,


DENNIS CONTA
President - Board of Trustees
Captain Frederick Pabst Theater

enc.

144 East Wells Street Milwaukee, Wisconsin 53202
414 286-3665 FAX 414 286-2154

*A National Historic Landmark
Listed in the National Register of Historic Places*

RESOLUTION EXPRESSING INTENT TO
CHANGE THE GOVERNING STRUCTURE
OF THE CAPTAIN FREDERICK PABST THEATER

Whereas, Pursuant to sec. 229.27, Stats., and sec. 16-12, Milwaukee City Charter, the Captain Frederick Pabst Theater ("Theater") is owned by the City of Milwaukee and governed by an 11 member Board of Trustees ("Board") comprised of 3 ex-officio City officers and 8 members appointed by the Mayor and confirmed by the Common Council; and

Whereas, The Theater is a valuable historical and entertainment asset for the entire greater Milwaukee community; and

Whereas, The Board is desirous of renovating and improving the Theater in order to preserve its historically significant features, and update and improve it for the greater Milwaukee community's use in the 21st century; and

Whereas, The Board believes that it is necessary to make the appropriate statutory and Milwaukee City Charter changes to enable the Board to transfer the Theater to an entity which is representative of the entire greater Milwaukee community served by the Theater; which has the revenue raising capabilities to adequately fund the Theater's ongoing operating and capital needs; and which would allow the efficient use and maximum productivity of the Milwaukee community's performing arts resources; and

Whereas, The transfer envisioned by the Board would be similar to the transfer of the convention facilities owned by the City and governed by the City appointed Milwaukee Exposition, Convention Center and Arena Board, to the Wisconsin Center District Board created under Subchapter II of Chapter 229, Stats.; now, therefore, be it

Resolved, That the Board of Trustees of the Captain Frederick Pabst Theater hereby petitions for and supports a change in sec. 229.27, Stats., and sec. 16-12, Milwaukee City Charter, which would enable the transfer of the Theater to an entity which is representative of the entire greater Milwaukee community; which has the revenue raising capabilities to adequately fund the Theater's ongoing operating and capital needs and which would allow the efficient use and maximum productivity of the Milwaukee community's performing arts resources; and be it

Further Resolved, That the Board President is authorized and directed to engage in transfer negotiations with entities meeting the above stated criteria; and be it

Further Resolved, That a copy of this resolution be transmitted to the Governor, the appropriate leaders of the Legislature, the Mayor and the President of the Common Council.

PBMcD:dms
7/16/99
22445

LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

BILL REQUEST FORM

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <u>AUGUST 23RD, 1999</u>	Legislator or agency requesting this draft: <u>SEN. BRIAN BURKE</u>
Name/phone number of person submitting request: <u>BARRY ASHENFELTER 266-8535</u>	
Persons to contact for questions about this draft (names and phone numbers please): <u>DENNIS CONTA</u> <u>414-286-3665</u>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <u>Please see attached letter & resolution regarding the Labst Theater & governance issues.</u>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy. <u>See attached resolutions</u>	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? ☒ YES ☐ NO

If yes, anyone who asks? ☒ YES ☐ NO

Any legislator? ☒ YES ☐ NO ☐ ONLY the following persons:

Do you consider this urgent? ☒ YES ☐ NO If yes, please indicate why:

Needs to pass before end of session.

Is this request of higher priority than other pending request(s) you have made?

☐ YES ☒ NO If yes, please sign your name here:



August 5, 1999

- brief supportive response
- have appropriate legislation drafted

Senator Brian Burke
Wisconsin State Capitol
316 South
P.O. Box 7882
Madison, WI 53707

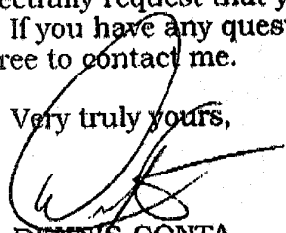
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Under current law, all real and personal property of the Theater must be "perpetually" held in the name of the City of Milwaukee. Section 229.27(4), Stats., and sec. 12-4-m, Milwaukee City Charter. The Board envisions the statutory and charter changes to be similar to those which were made in order to enable the City and the former Milwaukee Convention Center and Arena Board to transfer the City's real and personal property in the MECCA facilities to the new Wisconsin Center District created under Subchapter II of Chapter 229. The MECCA property had been subject to a similar statutory requirement of perpetual City ownership.

On behalf of the Board, I respectfully request that you give careful consideration to the Board's action. If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,



DENNIS CONTA
President - Board of Trustees
Captain Frederick Pabst Theater

enc.

144 East Wells Street Milwaukee, Wisconsin 53202
414 286-3665 FAX 414 286-2154

A National Historic Landmark
Listed in the National Register of Historic Places



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3594/

MES.....

cmh

rmk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

gen

- 1 AN ACT ...; relating to: allowing a change in the ownership of a municipal theater
2 that is currently owned by a 1st class city.

Analysis by the ^{first} Legislative Reference Bureau

Under current law, any ~~1st~~ class city (currently only Milwaukee) may establish and maintain a municipal theater. The theater is under the control of an independent board that has complete and autonomous control of the theater and its property. Title to all property of the theater must be held, in perpetuity, in the name of the city.

Under this bill, the board of the theater may transfer any of the city's interests in the theater to another person. The transfer may be a sale, lease or other conveyance, and may be for financial consideration. If the transfer is to a private for-profit entity, the transfer must be for fair market financial consideration. The bill requires a transferee to accept an assignment of all contracts with other persons that are in force at the time of the transfer, other than collective bargaining contracts.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 229.27 (4) of the statutes is renumbered 229.27 (4) (a) and amended
4 to read:



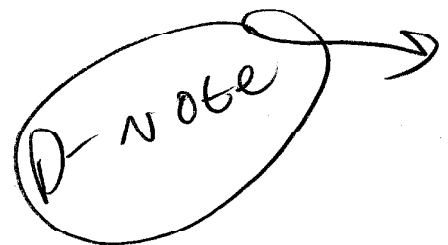
1 229.27 (4) (a) Title to all property, real or personal, of the theater shall may be
2 in the name of ~~such~~ the city and shall may be held by such the city perpetually for
3 such purposes, but the board shall determine the use to which ~~such~~ the property shall
4 be devoted under this section. The theater board shall may not transfer title or
5 property to the county.

6 History: 1977 c. 134.

7 **SECTION 2.** 229.27 (4) (b) of the statutes is created to read:

8 229.27 (4) (b) The board may enter into a transfer agreement with another
9 person to provide the terms and conditions upon which the board may transfer any
10 of the city's interests in an existing theater. A transfer may take the form of a sale,
11 lease or other conveyance and may be with or without financial consideration, except
12 that if the transfer is made to a private, for-profit entity, the transfer shall be for fair
13 market financial consideration. A transfer agreement shall require the transferee
14 to accept an assignment of all contracts with other persons, with respect to the
15 transferred theater, that are in force at the time of the transfer except that this
16 provision does not apply to collective bargaining contracts.

(END)



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3594/P1dn

MES.....

cm it

Please review this bill carefully to ensure that it is consistent with your intent. I have based the transfer provisions in created s. 229.27 (4) (b) on s. 229.47, but there are some differences. For example, this bill requires the city to obtain fair market value for the theater if it is transferred to a private, for-profit entity. Is this OK? No such provision exists in s. 229.47 because MECCA could ~~only~~ be transferred to a local exposition district (district), which is a unit of government. *only*

Because the instructions did not indicate to whom the theater could be transferred, the bill specifies that it may be transferred to another person, which includes private entities. You should be aware that if this bill becomes law and if the Pabst Theater is transferred to a private entity, the private entity could ~~for~~ any theater employees who are currently City of Milwaukee employees who are covered by a collective bargaining agreement. Is this your intent? I did not include from s. 229.47 the language requiring the district to assume the role of employer for MECCA employees who were covered by collective bargaining agreements because, under the bill, the Pabst Theater could be transferred to an entity other than a unit of government. I don't know if the Pabst Theater currently employs any individuals who are employed by Milwaukee and who are covered by collective bargaining agreements, but I thought you should be aware of this issue. *retain or terminate*

*or
unilaterally
change their
terms and
conditions of
employment*

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

If it were transferred to a private entity, the collective bargaining rights of the employees would be determined under Federal law.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3594/1dn
MES:cmh:hmh

January 12, 2000

Please review this bill carefully to ensure that it is consistent with your intent. I have based the transfer provisions in created s. 229.27 (4) (b) on s. 229.47, but there are some differences. For example, this bill requires the city to obtain fair market value for the theater if it is transferred to a private, for-profit entity. Is this OK? No such provision exists in s. 229.47 because MECCA could be transferred only to a local exposition district (district), which is a unit of government.

Because the instructions did not indicate to whom the theater could be transferred, the bill specifies that it may be transferred to another person, which includes private entities. You should be aware that if this bill becomes law and if the Pabst Theater is transferred to a private entity, the private entity could retain or terminate any theater employees who are currently City of Milwaukee employees who are covered by a collective bargaining agreement or unilaterally change their terms and conditions of employment. Is this your intent? I did not include from s. 229.47 the language requiring the district to assume the role of employer for MECCA employees who were covered by collective bargaining agreements because, under the bill, the Pabst Theater could be transferred to an entity other than a unit of government. If it were transferred to a private entity, the collective bargaining rights of the employees would be determined under federal law. I don't know if the Pabst Theater currently employs any individuals who *are* employed by Milwaukee and who are covered by collective bargaining agreements, but I thought you should be aware of this issue.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 01/12/2000

To: Senator Burke

Relating to LRB drafting number: LRB-3594

Topic

Governing structure of the Pabst Theater

Subject(s)

Munis - miscellaneous

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

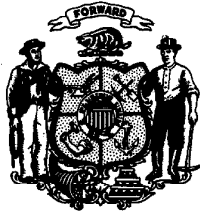
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-0129



BRIAN BURKE

WISCONSIN STATE SENATOR

Senate Chair, Joint Committee on Finance

MEMORANDUM

To: Mark Shovers
Legislative Reference Bureau

From: Julie Swiderski
Office of Senator Brian Burke

Date: January 25, 2000

Re: LRB 3594/1 (Pabst Theater Draft)

Please make the following changes to LRB 3594/1:

1. Delete the last sentence in Section 1., 229.27(4)(a), "The theater board ~~shall~~ may not transfer title or property to the county."
2. Prior to Section 2., 229.27(4)(b), insert "subject to the approval of the local governing body of the city,"

If you have any questions, please feel free to contact me or Charlane O'Rourke at the Pabst Theater. Her number is (414) 286-3665. Thanks.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-35941

MES:cmh:lpk

2
RMA

1999 BILL

SDON

regm

- 1 **AN ACT** *to renumber and amend* 229.27 (4); and *to create* 229.27 (4) (b) of the
2 statutes; **relating to:** allowing a change in the ownership of a municipal
3 theater that is currently owned by a 1st class city.

Analysis by the Legislative Reference Bureau

Under current law, any first class city (currently only Milwaukee) may establish and maintain a municipal theater. The theater is under the control of an independent board that has complete and autonomous control of the theater and its property. Title to all property of the theater must be held, in perpetuity, in the name of the city.

subject to the approval of the city's governing body,
Under this bill, the board of the theater may transfer any of the city's interests in the theater to another person. The transfer may be a sale, lease or other conveyance, and may be for financial consideration. If the transfer is to a private for-profit entity, the transfer must be for fair market financial consideration. The bill requires a transferee to accept an assignment of all contracts with other persons that are in force at the time of the transfer, other than collective bargaining contracts.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

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BILL

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7 ~~property to the county.~~

8 SECTION 2. 229.27 (4) (b) of the statutes is created to read:

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13 that if the transfer is made to a private, for-profit entity, the transfer shall be for fair
14 market financial consideration. A transfer agreement shall require the transferee
15 to accept an assignment of all contracts with other persons, with respect to the
16 transferred theater, that are in force at the time of the transfer except that this
17 provision does not apply to collective bargaining contracts.

18 (END)

Subject to the approval of the local
governing body of the city,

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 02/07/2000

To: Senator Burke

Relating to LRB drafting number: LRB-3594

Topic

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Subject(s)

Munis - miscellaneous

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Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-0129